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EXAMINER
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DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/092,279

**Applicant(s)**

BENT ET AL.

**Examiner**

Harish T Dass

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/8/2004 has been entered.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-44 and 57 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 59-60, and 76-77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter "stable-value assets" in claims cannot be found in original specification, however, Examiner finds the closes reference "substantial constant face value" page 13 line 12 of specification and assumes this means stable value assets.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano et al (hereinafter Vitagliano – US 5,206,803) in view of Atkins (US 5,884,285) and Norris (US 6,105,007).

Re. Claims 1, 15, 30-31, and 45 Vitagliano discloses a data processing apparatus (system) and method for managing a plurality of accounts that can be accessed for credit tied to and in communication with an associated pension plan as an underlying source of capital [see entire document for all limitations, particularly, Abs], and a

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processor [Fig. 2 (200); C3 L52-L62], a memory operatively coupled to the processor, the memory including program data for causing the processor to perform the steps of [210, fig 2; C3 L52-L62],

data representing the value of funds derived from the participant's benefit-plan assets and transferred from the benefit plan upon establishment of the loan fund, wherein the loan fund is managed by an investment manager and is recorded in the benefit-plan as an asset of the participant [see entire document particularly, Abs; Figure 1-3; C1 L5-L66; C2 L61-L64; C4 L25-L68; C5 L8 to C6 L10],

(ii) accept funds into the loan fund from the participant in repayment of redemptions, and updating the stored loan-fund information with data representing fund transfers from and acceptances into the loan fund, whereby redemptions from and repayments to the participant's loan fund occur without access to the participant's benefit-plan assets [C3 L12-L41; C4 L43-L68; C5 L7 to C6 L18],

updating the stored loan-fund information with data representing fund transfers from and acceptances into the loan fund, whereby redemptions from and repayments to the participant's loan fund occur without access to the participant's benefit-plan assets [C4 L61-L68, L6-L22] and

computer readable medium (storage for account balances and plan instruction) [Fig. 2 item # 250; C3 L57-L58].

Vitagliano, explicitly, does not disclose

initializing loan-fund information stored in a computer database upon establishment of a loan fund for the participant and

fund transfer and computer database and program. However, Atkins discloses initializing loan-fund information stored in a computer database upon establishment of a loan fund for the participant, and database, and program [Abs; C9 L18-L46; C18 L51; C20 L11-L124; C25 L2-L35] to open an account.

Further, Norris discloses electronic fund transfers to borrower and arranging for repayment [Abs; Fig. 1; C1 L22-L34; C2 L55-L67] to transfer fund from one account to another. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclose of Vitagliano and computer database and database account initialization, as taught by Norris and Atkins, to store client account information, amount of the loan, asset or liability and deposit/withdraw funds from source of funds to/from deposit account for future use and data retrieval.

Re. Claim 2, Vitagliano discloses acceptance into the loan fund and update the loan-fund information upon receipt of data from the investment manager computer system representing an accrual of interest into the loan fund [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C5 L7 to C6 L18].

Re. Claim 3, Vitagliano discloses initialize (new account) the loan-fund information upon receipt of data from the benefit-plan computer system representing establishment of the loan-fund [C2 L50-L68; C3 L52 to C4 L24], and exchange status data with the benefit-plan computer system, wherein the computer system exchanges at least a representation of a current loan-fund balance, and wherein the benefit-plan computer

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system exchanges at least representation of limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claims 4-7, Vitagliano discloses wherein the program data further causes the processor to generate data representing a request to transfer funds from the loan fund upon receipt of data from the access-vehicle-settlement computer system representing a request for settlement for the participant's uses of the access vehicle [C1 L5-L11; C4 L47-L68], and equal to a line of credit (LOC) value; and generate data to the access-vehicle-settlement computer system representing a refusal of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C4 L25-L55], and wherein the LOC value does not exceed an available loan amount (ALA) value determined in accordance with statute, regulation [Fig. 3; C4 L25-L55], and receive data from the access-vehicle-settlement computer system representing at least one redemption by the participant made by a use of the access vehicle; and update data representing the LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions [Fig. 3; C4 L25-L58].

Re. Claim 8, Vitagliano, explicitly, does not disclose a communication interface for exchanging data between the computer system and a computer system of a funds-acceptance provider, wherein the program data further causes the processor, upon receipt of data from the funds-acceptance-provider computer system representing the participant's payment of funds to the funds-acceptance provider, to generate data

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representing a request for acceptance of funds into the loan fund. However, Norris discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine discloses of Vitagliano and Norris to allow electronic fund transfer and arrange communication between the participants accounts and financial institutions provided service.

Re. Claim 52, Vitagliano discloses receive data from funds-acceptance-provider computer system (system) representing at least one payment by the participant [C3 L52-L68; C5 L7 to C6 L18], and update data representing the LOC value in response to the received data by increasing the LOC value by the value of the payment [Fig. 3; C4 L25-L58].

Re. Claim 9, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claims 10-12, Vitagliano discloses wherein the program data further causes the processor to generate data representing loan-fund statement information and repayment [C3 L52-L68; C6 L10-L18], and wherein the required repayment amounts and times are determined in dependence on the total redemptions that have not yet been repaid and in accordance with policy (code) to preserve tax-advantaged treatment of the participant's redemptions [C3 L22-L52], and generated data is transmitted to the participant [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano, explicitly, does not disclose



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informing the participant of required repayment amounts and times and wherein the generated data is transmitted to the participant by means of the Internet network or a telephone network. However, informing the participant of required repayment amounts and times and transmitting account summary statement by Internet network (using modem and public telephone network system) are commonly will known to credit card holders particularly to those who subscribe to credit card electronic statements. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Norris and Atkins and add generation of account statement which includes repayment amount, due time, and transmitting the account statement over Internet or telephone network (i.e., via email, download with modem, html format) to add this step to alert the borrower of payment due and reduce the paper mailed volume.

Re. Claims 13-14, Vitagliano, explicitly, does not disclose wherein the program data further causes the processor, upon receipt of data representing a participant request, to generate data representing loan-fund status for informing the participant of recent redemptions, and wherein the generated data is periodically transmitted as messages grouped into computer files. However, these steps are commonly will known to one skill in the art of financial institutions to add these steps to update the participants accounts at a particular time to save time and achieve cast reduction.

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Re. Claims 16-18, and 24 Vitagliano discloses wherein the loan-fund information comprises data representing at least a loan-fund balance [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68], and wherein loan-fund balance is updated in response to receipt of data from the investment-manager computer system representing funds transfer (transmit) from [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5 L7 to C6 L18], and generating data for the benefit-plan computer system representing the current loan-fund balance for the benefit plan, and receiving data from the benefit-plan computer system representing the limitations on the participant's redemptions [[C2 L50-L68; C3 L52 to C4 L24; C4 L47-68], and wherein the loan-fund balance is further updated in response to receipt of data from the investment-manager computer system representing a repayment [fig. 2; C1 L67 to C2 L24; C3 L52 to C4 L24; C4 L47-L52; C5 L7 to C6 L18].

Re. Claim 19, Vitagliano, explicitly, does not disclose a step of generating data representing a request for acceptance of funds into the loan fund from a funds-acceptance provider in response to receipt of data representing the participant's repayment of funds to the funds-acceptance provider. However, Norris discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine discloses of Vitagliano, Norris and Atkins to allow the financial institutions to accept (approve payment) and arrangement fund transfer between the participants accounts and financial institutions provided service

Re. Claims 20-23, Vitagliano discloses receiving data representing settlement requests from a settlement system that processes uses of the access vehicle, and wherein data representing requests to transfer funds from the loan fund to settle redemptions is generated in response to receipt of request data from the access-vehicle settlement system [Abs; C1 L5-L11; C4 L47-L68], and receiving data from the access-vehicle-settlement computer system representing at least one redemption by the participant made by a use of the access vehicle; and updating data representing an LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions that have not been repaid [Fig. 3; C4 L25-L58], and receiving data from the access-vehicle-settlement system representing a proposed redemption to be made by a participant's proposed use of the access vehicle; generate data to the access-vehicle-settlement system representing an authorization of the proposed redemption only if the proposed redemption is less than line of credit (LOC) value; and generate data to the access-vehicle-settlement system representing a refusal (disapprove) of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C4 L25-L58]

Re. Claims 25-26, Vitagliano discloses step of generating data representing loan-fund statement information [C3 L52-L68; C6 L10-L18], and wherein the required repayment amounts and times are determined in dependence on the total redemptions that have not yet been repaid and in accordance with policy (code) to preserve tax-advantaged

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treatment of the participant's redemptions [Fig. 2 (220 & 270); C4 L44-L47]. Vitagliano, explicitly, does not disclose informing the participant of required repayment amounts and times. However, informing the participant of required repayment amounts and times are commonly will known to credit card holders who get credit card activity statement and payment vouchers. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Norris and Atkins and add this step to alert the borrower of payment due to avoid extra charges and exceeding the limits.

Re. Claim 27, Vitagliano discloses a credit card [C3 L32-L35].

Re. Claim 28, Vitagliano, explicitly, does not disclose wherein the generated data is periodically transmitted as messages grouped into computer files. However, these steps are commonly will known to one skill in the art of financial institutions to update all of the accounts at a particular time to save time and achieve cast reduction.

Re. Claim 32, Vitagliano discloses wherein the step of establishing further comprises requesting the benefit plan to transfer funds to the loan fund [Abs; C1 L5].

Re. Claim 33, Vitagliano, disclose wherein the value of the funds transferred from the benefit plan is less than the value of participant's vested assets in the benefit plan [Abs; Figure 1-3; C1 L55-L66; C2 L61-L64; C4 L25-L30; C5 L8 to C6 L10].

Re. Claim 34, Vitagliano, disclose wherein the participant's benefit-plan assets further comprise a stock [C2 L49].

Re. Claims 35-36, Vitagliano, disclose wherein the access vehicle includes a credit card [C3 L32-L35], and wherein the participant makes a plurality of redemptions from the loan fund by a plurality of uses of the access vehicle [C3 L32-L35].

Re. Claims 37-38, Vitagliano, disclose further comprising a step of authorizing a participant's proposed redemption from the loan fund only if the total of the proposed redemption and past redemptions that have not yet been repaid is equal to or less than an available line of credit (LOC) value determined for the participant [C4 L6-L68], and wherein the LOC value is equal to or less than an available loan amount (ALA) value which depends upon the value of the participant's vested assets in the benefit plan [Fig. 3; L6-L68].

Re. Claims 39-40, Vitagliano discloses updating the loan-fund balance by (i) increasing the balance upon receipt of funds transferred from the benefit plan and (ii) decreasing the balance upon transfer of funds for settlement of redemptions; and sending (transmit) periodically to the benefit plan of information representing the current loan-fund balance [C4 L6-L68].

Re. Claim 41, Vitagliano discloses wherein the loan-information is further updated when the investment manager accrues into the loan fund dividends earned on the loan fund or interest paid by the participant on redemptions from the loan fund [C2 L50-68].

Re. Claims 41-43, Vitagliano discloses wherein the steps of establishing to preserve tax-advantaged treatment of the participant's redemptions [Fig. 2 (220 & 270); C1 L5-L20; C4 L44-L47], and wherein the statute, regulation, or policy includes one or more of the provisions of 26 U.S.C. §§ 1 and 401 et seq., and 29 U.S.C. § 1001 et seq. and any other similar programs (tax code) [C1 L13-L33; C2 L44].

Re. Claim 44, Vitagliano discloses wherein, upon establishment, the loan fund is structured as a sub-custodian (assumed ...) [C2 L36-L49].

Re. Claim 46, Vitagliano discloses program means for causing the processor means to generate data for the benefit-plan computer system representing the current loan-fund balance for the benefit plan, and program means for causing the processor means to receive data from the benefit-plan computer system representing the limitations on the participant's redemptions [C2 L50-L68; C3 L22 to C4 L24; C4 L47-68].

Re. Claim 47, Vitagliano, explicitly, does not disclose means for causing the processor means to generate data representing a request for acceptance of funds into the loan fund from a funds-acceptance provider in response to receipt of data representing the

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participant's repayment of funds to the funds-acceptance provider. However, Norris discloses this step [Fig. 1; C2 L36-L68; C12 L35-L57] to repay credit obligation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Vitagliano, Norris and Atkins and add means for causing the processor means to generate data representing a request, as taught by Norris to allow the financial institutions to accept (approve and deposit) and arrangement fund transfer between the participants' accounts and financial institutions provided service

Re. Claim 48, Vitagliano discloses means for causing the processor means to receive data representing settlement requests from a settlement system that processes uses of an access vehicle, and wherein data representing requests to transfer funds from the loan fund to settle redemptions is generated in response to receipt of request data from the access-vehicle-settlement system [C1 L5-L11; C4 L47-L68].

Re. Claim 49, Vitagliano discloses means to receive data from an access-vehicle-settlement computer system representing at least one redemption by the participant made by a use of the access vehicle [C1 L5-L11; C4 L47-L68], and program means for causing the processor means to update data representing an LOC value in response to the received data by decreasing the LOC value by the total value of the redemptions that have not been repaid [Fig. 3; C4 L25-L58].

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Re. Claim 50, Vitagliano discloses means for causing the processor means to receive data from the access-vehicle-settlement system representing a proposed redemption to be made by a participant's proposed use of the access vehicle [C1 L5-L11; C4 L47-L68], program means for causing the processor means to generate data to the access vehicle-settlement system representing an authorization of the proposed redemption only if the proposed redemption is less than or equal to a line of credit (LOC) value [Fig. 3; C1 L5-L11; C4 L25-L58], and program means for causing the processor means to generate data to the access vehicle-settlement system representing a refusal of the proposed redemption only if the proposed redemption is greater than the LOC value [Fig. 3; C1 L5-L11; C4 L25-L58].

Re. Claim 51, Vitagliano discloses means for causing the processor means to generate data representing loan-fund statement [C3 L52-L68; C6 L10-L18]. Vitagliano, explicitly, does not disclose informing the participant of required repayment amounts and times. However, informing the participant of required repayment amounts and times are commonly will known to credit card holder. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclose of Vitagliano, Norris and Atkins and add this step to alert the borrower of payment due.

Re. Claims 53-54, Vitagliano discloses participant's benefit-plan assets of accrued interest paid by the participant on redemptions from the loan fund, and participant's benefit-plan assets of accrued dividend funds earned on the loan fund and generating



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report [C2 L50-68; C3 L63 to C4 L5-L68]. Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts.

It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Norris and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 55, Vitagliano discloses comprising updating the loan fund information in response to receipt of data from the investment-manager computer system representing posting of (i) interest paid by the participant on redemptions from the loan fund [C2 L50-68; C3 L63 to C4 L5-L68].

Re. Claim 56, Vitagliano, explicitly, does not disclose generate data representing a transfer. However, it is will known and common banking practice that accrued dividend and interest are posted to the accounts. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify discloses of Vitagliano, Norris and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Re. Claim 57, Vitagliano, explicitly, does not disclose upon request to the investment manager, transferring accrued dividend and interest funds from the loan fund to the

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benefit plan. However, it is well known and common banking practice that accrued dividend and interest are posted to the accounts to keep record of accurate account for future use. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures of Vitagliano, Norris and Atkins and add this step to assure the dividend and interest are posted to proper account for accuracy of account.

Claims 58-69, 74-86 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano et al (hereinafter Vitagliano – US 5,206,803) in view of Norris (US 6,105,007).

Re. Claim 58, Vitagliano discloses receiving information reflecting a loan request for a loan-request amount made by said participant (withdrawal) [C4 L30-L32],

verifying (approved/disapproved) that said loan-request amount does not exceed a current balance in said loan fund as indicated by account information for said loan fund, said account information for said loan fund being stored by said computer system separately from account information for said benefit plan (credit processing # 70 and pension plan # 10) [Figure 1 #10 and #70; C2 L61-L3; C3 L15-L17; C3 L52-L62; C4 L13-L55; C5 L8 to C6 L10], and

updating said account information for said loan fund to reflect said amount of funds transferred from said loan fund [C4 L61-L68; C6 L2-L9].

Vitagliano does not explicitly disclose transferring said amount of funds requested by said participant loan request from said loan fund if said loan-request amount has been verified to not exceed said current balance in said loan fund. However, Norris discloses this feature [Abs; Fig. 1; C1 L22-L34; C2 L35-L67; C6 L13-L28; C7 L62-L65] to transfer fund from one account to another. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano and Norris to transfer funds between accounts and allow the participant to access requested borrowing amount.

Re. Claims 59-60, Vitagliano disclose account capital invested in stocks, bonds or other fundable assets. Neither Vitagliano nor Norris does explicitly disclose wherein said loan fund comprises stable-value assets having a stable market value and wherein said stable-value assets comprise, cash or cash-equivalent instruments. However these steps are will known as being one of the "fundable assets" to one skill in the art of financial investment such as: treasury bills, Certificate of Deposit (CD) and money market fund which are low risk investment vehicles and keep their value and pay interest. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Vitagliano and Norris to invest in low risk stable financial assets to not loss the capital.

Re. Claims 61 and 74, Vitagliano discloses receiving information reflecting a repayment made by said participant [C4 L18-L29; C6 L15-L18], and

updating said account information for said loan fund to reflect said amount of repaid funds transferred into said loan fund [C4 L61-L68; C6 L15-L18].

transmitting information reflecting said current balance in said loan fund to an administrator of said benefit plan account [C4 L6-L68].

Vitagliano does not explicitly disclose transferring the amount of funds repaid by said participant into said loan fund. However, Norris discloses this feature [Abs; Fig. 1; C1 L22-L34; C2 L35-L67; C6 L13-L28; C7 L62-L65] to transfer repayment fund from one account to another. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano and Norris to transfer funds between accounts and allow the participant to deposit fund to repay loan.

Re. Claim 62, Vitagliano discloses updating said account information for said loan fund to reflect said amount of funds transferred into said loan fund [C4 L61-L68; C6 L15-L18].

Vitagliano does not explicitly disclose receiving information reflecting a request made by said participant to transfer an amount of funds into said loan fund from said benefit plan account, and transferring said amount of funds requested by said participant transfer request into said loan fund from said benefit plan account. However, Norris discloses these steps [C6 L13-L28] to move funds from source fund to another account (deposit account) for withdrawal. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses

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of Vitagliano and Norris to transfer funds between accounts and allow the participant to deposit/withdraw fund into/from loan fund (account).

Re. Claim 63, Vitagliano discloses updating said account information for said loan fund to reflect said amount of funds transferred from said loan fund [C4 L61-L68; C6 L15-L18].

Vitagliano does not explicitly disclose receiving information reflecting a request made by said participant to transfer an amount of funds from said loan fund into said benefit plan account, and transferring said amount of funds requested by said participant transfer request from said loan fund into said benefit plan account. However, Norris discloses these steps [C6 L13-L28] to move funds from deposit account to source fund for repayment. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano and Norris to transfer funds between accounts and allow the participant to deposit/withdraw fund into/from loan fund (account).

Re. Claims 64-65, Vitagliano discloses wherein at least one loan request is made by use of a payment access vehicle by said participant, and wherein said payment access vehicle comprises a check, or a credit card, or a debit card, or an ACH transfer, or a wire transfer, or a sweep, or an ATM [C3 L12-L21].

Re. Claim 66, Vitagliano further discloses performing steps comprising administering said benefit plan account by updating in said account information for said benefit plan the value of said benefit-plan investment in said loan fund, said updated value reflecting said current balance in said loan fund [C13-L68; C6 L2-L18].

Re. Claim 67, Vitagliano further discloses performing steps comprising updating said account information for said loan fund to reflect accrual of interest into said loan fund [C2 L50-L60].

Re. Claims 68-69, Vitagliano further discloses further performing steps comprising receiving, from an administrator/processor of said benefit plan account, information reflecting a maximum total amount of loans from said loan fund that can be outstanding to said participant, wherein said maximum amount of loans (acceptable level) is determined in dependence on a current value of said assets in said benefit plan account, and further performing steps comprising determining a line of credit for said loan fund, said line of credit not exceeding either said maximum amount of loans (acceptable level) or said current balance in said loan fund [C3 L63 to C4 L60; Formula I and II where  $LOC(I,J)$  available credit].

Re Claim 75, claim 75 is rejected with same rational as claim 58.

Re. Claims 76-77, claims 76-77 are rejected with same rational as claims 59-60.

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Re. Claims 78 and 90, claim 78 and 90 are rejected with same rational as claim 61 and 74.

Re. Claim 79, claim 79 is rejected with same rational as claim 62.

Re. Claim 80, claim 80 is rejected with same rational as claim 63.

Re. Claims 81-82, claims 81-82 are rejected with same rational as claim 64-65.

Re. Claim 83, claim 83 is rejected with same rational as claim 66.

Re. Claim 84, claim 84 is rejected with same rational as claim 67.

Re. Claims 85-86, claims 85-86 are rejected with same rational as claim 68-69.

Claims 70-73 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitagliano and Norris, as applies to claims 58, 69 and 75, 85-86 further in view of Wolfberg et al (hereinafter Wolfberg US 5,214,579)

Re. Claim 70-73, Vitagliano further discloses wherein said step of updating further comprises updating said line of credit to reflect said amount of funds transferred from said loan fund, and receiving/transmitting information [Fig. 3; C4 L6-L68]. Vitagliano does not explicitly disclose wherein said step of verifying further comprises verifying that said loan-request amount does not exceed said line of credit,

wherein said step of receiving further comprises receiving information from a payment-settlement system reflecting at least one loan request, and

wherein the loan-request amount of said loan request reflects payments made by said payment-settlement system consequent to a use or to uses of a payment access vehicle by said participant

receiving information from said payment settlement system reflecting at least one proposed use of said payment access vehicle by said participant; and

sending information to the payment settlement system reflecting approval/rejection of said proposed use if the amount of said proposed use is less than/greater than a current line of credit for said loan fund.

However, Wolfberg discloses this step [see entire document particularly, Figure 9A, 10B, 11A-12C; 11B # 330-#348; C6 L1-L8; C17 Table III; C3 L35-L44; C9 L52-L68C24 L9 to C25 L6; C25 L59-L62; C33 L22-28; C36 L10-L13; claims] to allow the client to borrow limited fund from client investment and repayment in installment. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine the discloses of Vitagliano, Norris and Wolfberg to provide loan limitations and account settlement for loan approval and accounting purpose.

Re. Claims 87-89, claims 87-89 are rejected with same rational as claim 70-73.

### ***Response to Arguments***

4. Applicant's arguments on pending claims, filed 10/8/2004, and declaration have been fully considered and are not persuasive.



Regarding "creating a segregated loan fund", page 24 line 16; and "benefit plan administration/processing need no longer perform daily accounting ...", page 24 line 28; "benefit plan administration/processing (the "plan administrator") need not undertake ...", page 25 line 9; and "withdrawal", page 26 lines 11 page 26

NOT Claimed.

Regarding "declaration", page 25, line 20, the declaration fails to present any argument on factual data how the prior art of record is deficient and generally stated achieving commercial success without any factual evidence. Also, segregated accounts as referenced in page 4 of declaration is not recited in the claims.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

*US 6,122,625 to Rosen, Sep. 19, 2000 "Apparatus and Method For Secure Transaction" discloses an electronic monetary system for implementing electronic money payments as an alternative medium of economic exchange to cash, checks, credit and debit cards, and electronics funds transfer. The Electronic-Monetary System is a hybrid of currency, check, card payment systems, and electronic funds transfer systems, possessing many of the benefits of these systems with few of their limitations. The system utilizes electronic representations of money which are designed to be universally accepted and exchanged as economic value by subscribers of the monetary system.*

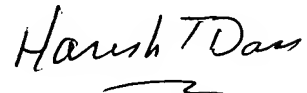
*US 4,114,027 to Slater et al, Sep. 12, 1978 "On-line/off-line automated banking system" discloses a system for processing commercial or financial transactions and, specifically, to an automated banking system which includes central and remote units interconnected by a communication network for processing commercial or financial transactions.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628



1/18/05